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TAGS: [ECON](#) [ETRD](#) [KIPR](#) [WTRO](#) [WHO](#)  
SUBJECT: GERMANY EXPECTED TO PRESENT HEALTH SYSTEMS  
PROPOSAL AT WHO MEETING AND SEEKS U.S. SUPPORT

REF: SECSTATE 144926

11. (SBU) Summary: On October 25, EconOff met with Dr. Walter Werner, Head of the Trade Policy, Services and Intellectual Property Division at the Ministry of Economics on reftel points. Werner said Germany will avoid any discussion of Trade-related Aspects of Intellectual Property Rights (TRIPS) flexibilities regarding pharmaceuticals at the upcoming World Health Organization's Intergovernmental Working Group meeting in Geneva on November 5-10. Instead, Germany will likely present proposals to fund the introduction of health systems, research and development, and public-private partnerships to address poor developing countries' healthcare needs. Werner said Germany shares the United States' interest in safeguarding innovation, but German officials believe developed countries would lose in any debate over the developing world's right to access patented medicines. He argued that USG support for Germany's approach could avoid heated and unproductive controversy. End summary.

12. (SBU) An interagency delegation from Germany's Federal Ministries of Health, Economic Cooperation and Development, Education and Research, Economics and Technology, Justice, and Foreign Affairs will attend the Geneva meetings. Werner acknowledged interagency tensions in crafting Germany's planned approach. He complained that "anything involving Africa" ends up on Development Minister Heidemarie Wiecezorek-Zeul's desk and that the Development and Health Ministries wanted to consider further extending access to pharmaceuticals by developing nations. According to Werner, these Ministries only abandoned such proposals because Germany's Ministries of Economics and Justice stood firm on protecting IPR. Werner said the Economics and Justice Ministries recognized that any formulation of new language would simply reopen a difficult discussion on TRIPS. He said he had received proposals revisiting this language from Latin American stakeholders, but chose to ignore them "because I know what is in them." Werner argued that such a debate would only detract from solving poor countries' poor health care infrastructure.

13. (SBU) Werner said he could not predict how the European Union would approach the meeting. Although Germany had reached a common approach among its own Ministries, Portugal's EU presidency could affect the EU's stance as well as the outcome of the meeting. Consensus among Member States appeared limited to remaining silent on existing TRIPS flexibilities and holding off calls for poor developing countries to provide so-called TRIPS Plus protections on pharmaceuticals. Werner pointed out that the European Parliament held off ratification of the World Trade

Organizations' December 2005 ruling on TRIPS until the Commission pledged not to include any IPR provisions that would curb access to medicines in the nearly 80 Economic Partnership Agreements (EPAs) it hopes to conclude by the end of 2007.

14. (SBU) Despite these political constraints, Werner remained optimistic that developed countries would be able to improve IPR protections in developing countries. Although the EU would not seek any TRIPS Plus provisions specific to pharmaceuticals, it may obtain provisions regarding patent certifications and data privacy that would benefit pharmaceutical companies as well as other economic sectors.

(SBU) Comment: Germany's commitment to send IPR officials to Geneva and to emphasize research and development and better healthcare systems are encouraging signs that Germany views these issues in a manner similar to the U.S. Embassy encourages U.S. officials attending subject meeting to work constructively with German counterparts. End comment.

TIMKEN JR